## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

LORENZOE WILSON	]	
Plaintiff,	]	
	]	
<b>v.</b>	]	No. 3:16-1859
	]	Judge Campbell
JOHN H. GASSAWAY	]	
Defendant.	]	

## MEMORANDUM

The plaintiff, proceeding *pro se*, is a pre-trial detainee at the Robertson County Detention Facility in Springfield, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against John H. Gassaway, a former Circuit Court Judge in Robertson County, seeking damages and the expungement of a previous conviction.

According to the complaint, Judge Gassaway sentenced the plaintiff to six years in a community corrections program "for a crime that there were no victims present, no evidence, and I was refused a preliminary hearing which is my right to due process." The plaintiff claims that the defendant was corrupt and a racist, which led to his conviction.

A judge enjoys absolute immunity from monetary claims for actions taken within the scope of his jurisdiction. Pierson v. Ray, 386 U.S. 547, 553-54 (1967). Thus, the plaintiff can not obtain damages from the defendant because he was acting within his duties as a judge at the time of his alleged misconduct. Nor would the plaintiff be entitled to an expungement of the conviction unless

and until the conviction has been reversed or declared invalid by a state or federal tribunal reviewing the conviction. *See* Heck v. Humphrey, 114 S.Ct. 2364, 2372 (1994).

Because the defendant is cloaked with absolute immunity from liability, the plaintiff has failed to state a claim against the defendant for which relief can be granted. Under such circumstances, the Court is obliged to dismiss this action *sua sponte*. 28 U.S.C. § 1915(e)(2)(B)(iii).

An appropriate order will be entered.

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United States District Judge